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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,730	07/07/2003	Robert A. Nelson	9680.231US01	7535
23552	7590	12/15/2004		EXAMINER
MERCHANT & GOULD PC				HUNNINGS, TRAVIS R
P.O. BOX 2903			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402-0903			2632	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/614,730	NELSON, ROBERT A.
	Examiner	Art Unit
	Travis R Hunnings	2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 July 2003.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 07 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: element 13" in figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract

on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

3. Claims 1 and 5 are objected to because of the following informalities: The acronym "OEM" used in the claims should be explicitly spelled out to eliminate any potential confusion. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Drew (US Patent 5,612,578).

Regarding claim 1, Drew discloses *Vehicle Engine Start Control Apparatus Including Interface Device Facilitating Installation and Related Method* that discloses the following claimed limitations:

The claimed OEM starter for starting a vehicle is met by the Engine Starter (48);

The claimed OEM security system in communication with said starter is met by the theft-deterring start control circuit (col2 40-67 and col3 1-13);

The claimed by-pass kit for by-passing said OEM security system and enabling remote car starting of said vehicle without placing said key in said ignition is met by the interface module (30) bypassing the security system and allowing remote ignition of the vehicle (col2 40-67 and col3 1-13);

The claimed remote car starter device in communication with said by-pass kit for sending a signal to said by-pass kit to start said engine is met by the remote start/run controller (40) sending a signal to the interface module to bypass the security system and start the vehicle (col2 40-67 and col3 1-13);

The claimed remote car starter transmitter in wireless communication with said remote car starter device is met by the remote transmitter (41) being a hand-held device and sending a remote signal to the remote start/run controller (col6 5-11). The examiner makes note that it would be inherent for such a hand-held device to be in wireless communication with the remote start/run controller;

The claimed signal is data that is sent to said by-pass kit is data, and wherein said by-pass kit is adapted to by-pass said OEM security system only upon receipt of

said signal is met by the hand held remote transmitter sending a signal to the start/run controller which in turn sends a signal to the interface module that causes the vehicle to start (col6 5-17). The term "data" can have many meanings and because it is not explicitly defined in the context of the claim the examiner interprets the term "data" to mean any signal sent between two electric components of a system.

See figure 1.

Regarding claim 3, the claimed remote car starter is in communication with said by-pass kit through a cable is met by a cable (43) being connected to the interface module and the remote start/run controller (col6 7-11).

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Drew in view of Davidson et al. (Davidson; US Patent 6,265,788).

Regarding claim 2, Drew discloses all of the claimed limitations except for the claimed remote car starter being in wireless communication with said by-pass kit.

Davidson discloses *Wireless Induction Loop Control System* that teaches connecting a plurality of controlled electronic devices in an automobile through a wireless connection (col2 22-34 and 56-62). It would be beneficial to use the wireless system taught by Davidson in the system of Drew to reduce the number of wiring harnesses and wires, which would result in cost savings. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Drew according to the teachings of Davidson to modify the system to be connected through a wireless connection.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Drew in view of Birchfield et al. (Birchfield; US Patent 6,781,507).

Regarding claim 4, Drew discloses all of the claimed limitations except for the claimed by-pass kit including a transponder on board and it being encased in metal. Birchfield discloses *Remote Start, Passive Anti Theft Security System* that teaches a remote-start system that utilizes a transponder to by-pass the passive security system of the vehicle (col2 17-32). Adding the transponder to the system disclosed by Drew would increase the flexibility of the system by allowing it to work with multiple types of OEM security systems, not only key-resistance type systems, but also transponder-based systems. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Drew according to the teachings of Birchfield to include a transponder in the interface module kit. The

examiner takes official notice that it is well known in the art to encase electronic components in metal casing when used in vehicles to protect the sensitive electronics from potential damage from driving and heat.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Drew in view of Birchfield and further in view of Flick (US Patent 6,429,768).

Regarding claim 5, Drew and Birchfield disclose the following claimed limitations:

The claimed OEM starter is met by the Engine Starter (Drew; 48);  
The claimed OEM security system in communication with said OEM starter, said OEM security system including a transponder for starting said engine upon receipt of an authorized signal is met by the passive anti-theft security system having a transponder used to start the vehicle (Birchfield; col2 17-32, reasons for combination shown above in rejection to claim 4);

The claimed remote starter including a wireless transmitter, said remote starter being in communication with a conventional by-pass kit is met by the hand held remote transmitter (Drew; 41) transmitting a signal to the remote start/run controller which is operably connected to the interface module (col6 5-11).

However, Drew and Birchfield are silent on the claimed OEM transponder jammer for constantly jamming said transponder of said OEM security system when enabled. Flick discloses *Vehicle Control System Including Transponder Jammer and Related Methods* that teaches a radio transmitter jammer (35) that selectively prevents

the radio transponder reader from receiving the desired radio signal from the radio transponder (col2 22-36). Incorporating a radio transmitter jammer as disclosed by Flick in the system of Drew and Birchfield would increase the security of the system by allowing the user to selectively activate the jammer to prevent any activation of the vehicle, even if a thief is able to physically manipulate the system. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Drew and Birchfield according to the teachings of Flick to include a radio transmitter jammer to disable the transponder of the OEM security system when enabled.

Drew and Birchfield are further silent on the claimed transmitter being adapted to disable and enable said OEM transponder jammer, so that when said OEM transponder jammer is enabled, said vehicle cannot be started even with a correct signal being emitted to said OEM security system. Flick teaches a remote transmitter being able to control the jammer radio transmitter remotely. It would be beneficial to modify the hand held remote transmitter of Drew and Birchfield to be able to remotely control the radio transmitter jammer because it would increase the flexibility of the device by allowing the user to activate/deactivate the jammer remotely. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device disclosed by Drew and Birchfield according to the teachings of Flick to modify the hand held remote transmitter to be able to remotely activate and deactivate the radio transmitter jammer.

***Claim Objections***

10. Claim 1 is objected to because of the following informalities: line 13 reads, "wherein said signal is data that is sent to said by-pass kit *is data*." The italicized text appears to be a typographical error and should be deleted in order to eliminate any potential confusion. Appropriate correction is required.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sanders et al. *User Identifying Vehicle Control...* US Patent 4,754,255

Cantrell, *Remote Starter for Alarm System...* US Patent 5,184,584

Dery et al. *Remote Vehicle Starting System*, US Patent 5,673,017

Chang, *Vehicle Remote-Control System...* US Patent 6,664,889

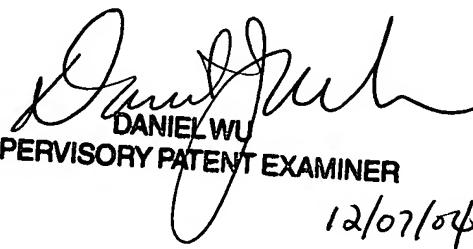
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Travis Hunnings



  
DANIEL WU  
SUPERVISORY PATENT EXAMINER  
12/07/04